

EXHIBIT 1



Entered on Docket
June 12, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE PALM
SPRINGS MARQUIS HOTEL LOAN**

Hearing Date: June 9, 2008
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Fifth Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Palm Springs Marquis Hotel Loan (the "Objection") [DE 6293].
4 Adequate notice of the Objection was given. The Court heard the Objection on June 9,
5 2008. No responses were filed to the Objection and no opposition was raised at the
6 hearing. Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the Palm Springs Marquis Hotel Loan. The
11 Proofs of Claim listed in Exhibit A are not affected by this order to the extent
12 they are based upon an investment in a loan(s) other than the Palm Springs
13 Marquis Hotel Loan; and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

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17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)

20 Susan M. Freeman

21 Rob Charles

22 John Hinderaker

23 *Attorneys for USACM Liquidating Trust*

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**MARQUIS HOTEL LOAN
FIFTH OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marquis Hotel Loan
10725-02113	Charles B. Dunn IV Trust Dated 8/12/05	c/o Charles B. Dunn IV Trustee 17042 Norlene Way Grass Valley, CA 95949-7161	\$345,498.04	\$50,000.00
10725-02382	Essaff Family Trust Dated 6/18/02	Robert and Cindy H. Essaff Trustees 2860 Heybourne Road Minden, NV 89423	\$1,599,184.01	\$100,000.00
10725-00790	Finnman Family Trust Dated 4/4/94	Martha Ann Lutz Successor Ttee 2712 Eastern Parkway Winterpark, FL 32789	\$350,000.00	\$100,000.00
10725-00578	M. Evelyn Fisher Revocable Trust Dated 11/7/05	c/o M. Evelyn Fisher and/or Successor(s) In Trust 12051 S. Cherokee Lane Tucson, AZ 85736-1317	\$157,685.77	\$54,928.52
10725-02467	Foxcroft Living Trust Dtd 1/10/02	Fred J. and Roberta Foxcroft Ttees P.O. Box 362 Carnelian Bay, CA 96140-0362	\$553,778.99	\$95,000.00
10725-00418	Foxcroft Living Trust Dated 1/10/02	Fred J. and Roberta Foxcroft Trustees P.O. Box 362 Carnelian Bay, CA 96140-0362	\$553,778.99	\$95,000.00
10725-02277	Gale Gladstone-Katz Revocable Trust	Gale Gladstone-Katz Trustee 1320 North Street, #29 Santa Rosa Ca 95404	\$677,059.05	\$50,000.00
10725-01971	James Paul Goode	95-977 Ukuwai St., Unit 3601 Mililani, HI 96789	\$708,761.49	\$50,000.00
10725-00373	Hansen Family Trust Dated 6/6/89	Kenneth L. and Donna J. Hansen Trustees 13287 Rattlesnake Rd. Grass Valley, CA 95945-8814	\$260,000.00	\$50,000.00

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marquis Hotel Loan
10725-02187	Melvin J. and Evelyn A. Ives Bypass Trust Dated 1/6/93	Evelyn A. Ives Trustee 220 First Street, #3 Seal Beach, CA 90740	\$447,246.00	\$200,000.00